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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,368	01/15/2004	Simon C. Steely JR.	200313752-1	5294

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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ROJAS, MIDYS

ART UNIT	PAPER NUMBER
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2185

NOTIFICATION DATE	DELIVERY MODE
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08/20/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/758,368</p>	<p><b>Applicant(s)</b> STEELY ET AL.</p>	
	<p><b>Examiner</b> MIDYS ROJAS</p>	<p><b>Art Unit</b> 2185</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-8,10-13,16-24 and 26-41.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Sanjiv Shah/  
Supervisory Patent Examiner, Art Unit 2185

Midys Rojas  
Examiner  
Art Unit: 2185

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive.

Regarding Claims 1 and 11, Applicant argues that the prediction of the next requestor as taught by Peir may identify the next owner but does not show the teachings of Claim 1. However, the examiner maintains that in predicting the next requestor, the system is predicting the next owner since the next owner is simply the processor to possess the most recently updated copy of the data (Col. 2, lines 1-4), therefore, in obtaining the data from the current owner and being able to write/modify the data, the predicted Requestor can become the predicted owner (Col. 2, lines 53-59), as discussed in claim 1 of this application.

Applicant argues that Peir does not teach any prediction based on the ownership history of a given data block is made by observing the pattern of instructions in the processors. However, the ownership history being used in the prediction is the ownership history of a data block by the system's processors, thus it is related to processor instructions (see Col. 3, lines 3-11).

Applicant argues that the prediction table does not store any type of ownership update message. However, the sending of the current owner information is an ownership update message since it identifies the predicted next requestor, thus identifying the next owner.

Therefore, as explained by the examiner, Peir does teach both components of the owner predictor as claimed.

Regarding Claim 12, Applicant argues that Peir does not teach selection according to the frequency in which the owner predictor receives ownership update messages from the owner predictor control. However, Peir et al. discloses the owner predictor selecting between accessing the first component and the second component according to the frequency in which ownership update messages associated with the block of data have been received from the owner predictor control [prediction is done based on ownership history, Col. 3, lines 3-11]. The owner prediction of Peir predicts the next requester based on the history each time a processor claims new ownership. Therefore, the prediction is done according to the frequency in which a new processor claims new ownership (see Col. 2, lines 60-67).

Regarding Claim 13, Applicant argues that in Peir, if the prediction facility provided the current owner information to each of the processors, then there would be no reason to predict which processor will be the next requestor. However, Peir et al. discloses the network wherein the owner predictor control broadcasts the update message to each of a plurality of processors comprising the multi-processor network [next requester can be a group of processors, Col. 3, lines 34-39; and the predictor 22 informs the next requester about the current owner of the data block, Col. 3, lines 40-42. Since the requestors are a group of processors, even the small set of processors meets the broadcasting limitations wherein the small set of processors corresponds to a plurality of processors comprising the multi-processor network]. In broadcasting to a plurality of processors from the multi-processor network, the system is only broadcast to a set of processors that are predicted as being requestors at once, as a group (see Col. 3, lines 34-38). Therefore, there is a reason to broadcast the current owner information and predict the requestor since the broadcast is being done only to the group that has been identified as a predicted requestor (as a group). In this case, the requestors are a small set of processors, not all of them.

Regarding Claims 21 and 27, Applicant argues that in Peir, no parallel requests and inquiries are sent out. However, Peir sends an inquiry to the home directory 20 in parallel with the request that the processor sent to the current owner, see Col. 3, 63-67.

Additionally, regarding Claims 27 and 28, the examiner maintains that in routing the request to the current owner, thus allowing the current owner to return data X to the requestor, the home node is essentially providing for an acknowledgment in the form of the requested data (see Col. 5, lines 1-6). Applicant argues that there is no mention of the owner sending a victim message in response to a request arriving at the owner node prior to a request from the home node. However, the owner node sends the data X not only to the requester, but also to the home node; thus qualifying as the victim message (See Col. 5, lines 1-6).

Regarding Claim 30, Applicant argues that Peir does not teach means for broadcasting updates to all the means for identifying in response to a change in ownership of the block of data. However, the predicted node may be more than one and in providing the group of nodes predicted, the information is being broadcasted to all the relevant means for identifying.

Regarding Claims 39 and 41 applicant argues that the claims recite discontinuing broadcasting based on the conditions; not predicting based on the conditions claimed. However, the update message being broadcasted based on the conditions is part of the prediction process. Therefore, in predicting based on the conditions, as claimed, the system is broadcasting the information necessary based on the same conditions.